

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:
CROCS, INC. et al.,	:
	:
Plaintiffs,	:
	:
-v-	25-CV-180 (JMF)
	:
JINJIANG HOBIBEAR SHOES & CLOTHING CO.,	<u>MEMORANDUM OPINION</u>
LTD.,	<u>AND ORDER</u>
	:
	:
Defendant.	:
	:
	X

JESSE M. FURMAN, United States District Judge:

On January 24, 2025, Plaintiffs Crocs, Inc. and Jibbitz, Inc. filed a motion, pursuant to Rule 4(f)(3) of the Federal Rules of Civil Procedure, to serve Defendant Jinjiang HobiBear Shoes & Clothing Co., Ltd. (“HobiBear”) by e-mail. *See* ECF No. 14. Specifically, Plaintiffs seek to serve Defendant, an entity located in China, “by e-mail to the e-mail addresses service@HobiBear.com and ip@whosebilling.com, with proof of service to be filed including any delivery receipts and read receipts.” ECF No. 16, at 11.

Although China is a signatory to the Hague Convention, the Convention “shall not apply where the address of the person to be served with the document is not known.” Hague Convention, Nov. 15, 1965, Article 1, 20 U.S.T. 361; *see also Smart Study Co. v. Acuteye-Us*, 620 F. Supp. 3d 1382, 1390 (S.D.N.Y. 2022) (“The Hague Convention does not apply where the address of the person to be served with the document is not known.” (internal quotation marks omitted)). “Courts in this Circuit have found an address is not known if the plaintiff exercised reasonable diligence in attempting to discover a physical address for service of process and was unsuccessful in doing so.” *Kelly Toys Holdings, LLC. v. Top Dep’t Store*, 22-CV-558 (PAE),

2022 WL 3701216, at *6 (S.D.N.Y. Aug. 26, 2022) (internal quotation marks omitted).

Here, Plaintiffs have demonstrated the exercise of reasonable diligence by conducting Internet research, examining the packaging of Defendant's product, and investigating the two physical addresses associated with Defendant's social media pages. *See* ECF No. 15, ¶¶ 6-9, 14-20; *see e.g.*, *Prediction Co. v. Rajgarhia*, No. 09-CV-7459 (SAS), 2010 WL 1050307, at *2 (S.D.N.Y. Mar. 22, 2010) ("[The plaintiff] has met its burden, having actively, though unsuccessfully, attempted to obtain [the defendant's] address in a variety of ways.").

Accordingly, the Hague Convention does not apply.

In light of that conclusion, and substantially for the reasons set forth in Plaintiffs' memorandum of law, the Court grants Plaintiffs' motion for alternative service. Plaintiffs are authorized to serve the Summons, Complaint, and Notice on Defendant by email to the email addresses service@HobiBear.com and ip@whosebilling.com, with proof of service to be filed with any delivery receipts and read receipts.

The Clerk of Court is directed to terminate ECF No. 14.

SO ORDERED.

Dated: January 28, 2025
New York, New York



JESSE M. FURMAN
United States District Judge